

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:11-CR-424 JCM (RJJ)

Plaintiff(s),

ORDER

v.

SEAN SANDOVAL,

Defendant(s).

Presently before the court is *pro se* and incarcerated defendant Sean Sandoval's motion to correct sentence.<sup>1</sup> (Doc. # 28). The government filed a response. (Doc. # 29).

The movant was sentenced July 26, 2012, to 63 months in custody to run concurrent to his sentence in a related state case. The movant requests that the amended judgment filed August 14, 2012, be modified so that he receives credit on his federal sentence for time-served on his state sentence during the pendency of his federal case. The movant asserts that the court intended to give him credit for his period of detainment prior to his sentencing, but cannot point to any order or proceeding to support this assertion. The government argues that the original judgment reflects the court's actual intent.

The court finds that the amended judgment entered by the court on August 14, 2012, was properly entered and accurately reflects the court's rulings at the July 26, 2012, sentencing hearing. The court will not, therefore, alter its August 14, 2012, judgment.

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<sup>1</sup> Mr. Sandoval styles his motion as a "motion requesting the court to apply the term "nunc pro tunc" to the sentencing order and to allow the federal and state time in custody to run concurrently as ordered." The court construes the motion to be a motion to correct sentence under Federal Rule of Criminal Procedure 35(a) or 36.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Mr. Sandoval's motion to correct sentence (doc. # 28) be, and the same hereby, is DENIED.

James C. Mahan  
UNITED STATES DISTRICT JUDGE

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